

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VAN HANG HEANG,
Petitioner,

vs.

ROBERT HOREL, Warden,,
Respondent.

No. C 07-0980 JSW (PR)

**ORDER DENYING
CERTIFICATE OF
APPEALABILITY**

(Docket No. 17)

Petitioner, a prisoner of the State of California, filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition was denied on its merits. Petitioner has filed a request for a certificate of appealability.

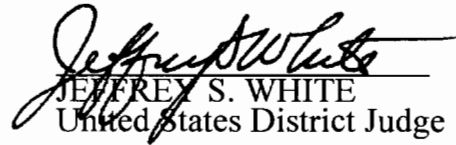
Upon the filing of a notice of appeal and a request for a COA, the district court shall indicate which specific issue or issues satisfy the standard for issuing a certificate, or state its reasons why a certificate should not be granted. *See United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997). (citing 28 U.S.C. § 2253(c)(3)). A judge shall grant a COA "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Petitioner has not shown that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, Petitioner's request for a certificate of appealability is DENIED (docket no. 17).

The Clerk of Court shall forward this order, along with the case file, to the United States Court of Appeals for the Ninth Circuit. Petitioner may also seek a

1 certificate of appealability from that court. *See Asrar*, 116 F.3d at 1270.

2 IT IS SO ORDERED.

3 DATED: NOV - 2 2009

4 
JEFFREY S. WHITE
United States District Judge